

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) COLLIER/CARTER
)
v.) CASE NO. 1:09-CR-140
)
ERIC NORMAN)

O R D E R

On December 10, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense within Count One of conspiring to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base, or "crack," and Count Four, possessing a firearm in furtherance of the offense in Count One, in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense within Count One of conspiring to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base, or "crack," and Count Four, possessing a firearm in furtherance of the offense in Count One; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Court File No. 31). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense within Count One of conspiring to distribute 5 grams or more of a mixture and substance containing a detectable

amount of cocaine base, or “crack,” and Count Four, possessing a firearm in furtherance of the offense in Count One, in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense within Count One of conspiring to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base, or “crack,” and Count Four, possessing a firearm in furtherance of the offense in Count One;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY**.

SO ORDERED.

ENTER:

/s/

**CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE**